

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SUN RE LTD. F/K/A SELECTA
INSURANCE AND REINSURANCE
COMPANY (CARIBBEAN), LTD.,

Plaintiff,

V.

COGAN CAPITAL, LLC,

Defendant.

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Civil Action No. 3:24-cv-0124-x

MEMORANDUM OPINION AND ORDER

Before the Court is a sealed complaint (Doc. 2), a sealed, ex parte motion for temporary restraining order (Doc. 3), a motion for leave to file under seal the brief supporting the TRO motion (Doc. 4), a motion for leave to file under seal an appendix supporting the TRO motion (Doc. 5), and a motion for leave to file under seal a verified complaint (Doc. 6). None of it is proper.


First, the Fifth Circuit sets an exacting standard for sealing, requiring a declaration from one with personal knowledge why each line of each document the party wants to shield from public view has a risk of harm from disclosure that outweighs the public's right to know what is happening in taxpayer funded courts. Every document in this case was either filed under seal (the TRO motion) or filed attached to a motion for leave to file under seal (the complaint, the brief, and the appendix). But no filing is supported by the type of declaration the Fifth Circuit requires for sealing.

As such, the Court must carry the motions with the case but will unseal the motion for a TRO in 21 days unless the plaintiff files a compliant declaration no later than 14 days from today. Likewise, the Court will deny the motions for leave to file the complaint, brief, and appendix under seal in 21 days unless a compliant declaration is filed in 14 days.

Lastly, the motion for TRO seems to ask for ex parte relief and says the plaintiff didn't confer with the defendant because the defendant has no lawyer at this stage. But the plaintiff admitted to multiple rounds of communications with the defendant before filing suit. So the Court sees no reason for an ex parte TRO when the defendant knows the basis of the dispute. As such, the Court denies the motion in so far as it seeks ex parte relief.

The Court hereby orders the plaintiff to serve the complaint, the motion for temporary restraining order, the brief, the appendix, and this order on the defendant by any means. The defendant must respond to the motion for temporary restraining order in 7 days. Any reply is due 3 days from when the response is filed.

IT IS SO ORDERED this 18th day of January, 2024.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE